



February 11, 1999

Mr. Saul Pedregon
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-0438

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121822.

The City of Dallas received a request for information relating to an internal investigation of officer number 7151 (file number 97-240) and investigation file numbers 92-192-F, and 94-041-F. You have supplied file numbers 92-192-F and 94-041-F in their entirety and a representative sample of file number 97-240.¹ You contend that a portion of this information is excepted from public disclosure by sections 552.101 and 552.08 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Government Code section 552.101 excepts from public disclosure information considered confidential by statute, constitution or court decision. Law enforcement records concerning juvenile conduct that occurred before January 1, 1996, are made confidential by former section 51.14(d) of the Family Code. This statute was superseded by Family Code section 58.007, but was continued in effect for the purpose of maintaining the confidentiality of such records. ORD 644 (1996). The documents identified as "arrest report," "arrest report supplement," "prisoner's activity report" and "offense incident report" contained in file 94-041-F are law enforcement records concerning juvenile conduct that occurred before January 1, 1996. They are therefore subject to former section 51.14(d) of the Family Code. This information is confidential and may not be released. The remainder of file 94-041-F is not excepted from disclosure by application of this statute.

Information may be withheld under section 552.101 in conjunction with rights of privacy if the information is highly intimate or embarrassing and is of no legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex.

¹We note that in Open Records Letter 98-2979, our office held that file 97- 240 was confidential pursuant to Family Code section 261.201. You may withhold this information from disclosure in reliance on this previous determination.

1976), *cert. denied*, 430 U.S. 931 (1977). Such information is confidential and must not be disclosed. We have bracketed the text information to be withheld as confidential. Further, the identities of the individuals alleged to have been engaged in sexual activities in the taped interview identified as attachment #13 to file 92-192-F, must be erased from a copy of this tape; the edited copy must be released.

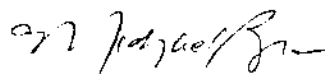
Section 552.117 of the Government Code excepts from required public disclosure peace officers' home addresses, home telephone numbers, social security numbers, or information that reveals the existence of the officer's family members. This information is treated as confidential and has been bracketed to so signify.

Section 552.108 of the Government Code excepts from required public disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime, in certain circumstances. One of the purposes of the exception is to protect law enforcement and crime prevention efforts by preventing suspects and criminals from using records in evading detection and capture. Open Records Decision Nos. 133, 127 (1976). However, we note that the investigations related to file number 94-041 and 92-192 F do not appear to be of a criminal nature. Investigations into non-criminal matters are not excepted from disclosure by Government Code section 552.108. *Morales v. Ellen*, 840 S.W.2d 519, 526 (Tex. App.--El Paso 1992, writ denied) (predecessor statute to section 552.108 not applicable were no criminal investigation resulted). We conclude that you have not demonstrated how release of the information in these files would interfere with detection, investigation, or prosecution of crime. The information in these files is therefore not excepted from disclosure by section 552.108 of the Government Code.

Your argument also seeks to except cellular telephone numbers of police officers and 9-1-1 call record information. Our review of the submitted documents did not reveal any such information. Your release of 9-1-1 call records was dealt with in Open Records Letter No. 98-2551 (1998). You are directed to that letter ruling for any questions you may have in this regard.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael Jay Burns
Assistant Attorney General
Open Records Division

Ref: ID# 121822

Enclosures: Submitted documents

cc: Mr. Charles Bailey
7412 Vallejo Drive
Dallas, Texas 75227
(w/o enclosures)